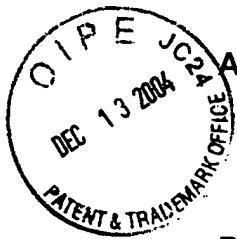


08/963096

co/c



Attorney Docket No. 0448D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number : 6,822,144 B1

Issued : November 9, 2004

Name of Patentee : Pioneer Hi-Bred International, Inc.

Title of Invention : Methods for *Agrobacterium*-Mediated Transformation

Certificate
DEC 20 2004
of Correction

Attention Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT
FOR PTO MISTAKE (37 CFR 1.322(a))**

1. Attached, in duplicate, is Form PTO/SB/44, with at least one copy being suitable for printing.
2. The exact page and line number where the errors are shown correctly in the application file are:

Grimsley et al. reference is correctly presented on the Form 1449 submitted March 26, 1998, Sheet 1 of 2, Reference A64. In the issued patent, line 3 of the reference should read "217" rather than "21.7". A copy is attached for the convenience of the office.

The Claim 4 amendment is described correctly on page 2, under "Listing of Claims" in the Amendment filed July 8, 2004. The Amendment was acknowledged and accepted by Examiner as indicated in the Notice of Allowability mailed August 18, 2004. In the issued patent, column 26, line 22, the word "make" should read "maize", column 26, line 24, the word "PHJ9" should read "PHJ90", and column 26, line 29, there should be a comma after the word *Agrobacterium*. Copies of both documents are attached for the convenience of the office.

DEC 20 2004

Patent No. 6,815,578 B1
Issued 11/23/2004
Attorney Docket No. 0448D

3. Please send the Certificate to:

Name Kim M. Hagemann
Address: Pioneer Hi-Bred International, Inc.
 Corporate Intellectual Property
 7100 N.W. 62nd Avenue
 P.O. Box 1000
 Johnston, Iowa 50131-1000

Respectfully submitted,



Kim M. Hagemann
Agent for Applicant(s)
Registration No. 52,982

PIONEER HI-BRED INTERNATIONAL, INC.
Corporate Intellectual Property
7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 248-4878
Facsimile: (515) 334-6883

Form PTO-1440 U.S. Patent & Trademark Office		U.S. Department of Commerce Patent and Trademark Office	ATTORNEY DOCKET NO.	SERIAL NO.
		0448D	08/963,096	
		APPLICANT		
		Zhao <i>et al.</i>		
		FILING DATE	GROUP	
		November 3, 1997	1649	

INFORMATION DISCLOSURE STATEMENT

BY APPLICANT

(Use several sheets if necessary)

MAY 29 1999

U.S. PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
<i>WJ</i>	A58	5,591,616	01/07/97	Hiei <i>et al.</i>	C12M	15/00	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes	No
	A59	WO 92/06205	04/16/92	PCT	C12N	15/82		

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

	A60	Boulton <i>et al.</i> , "Specificity of <i>Agrobacterium</i> -mediated delivery of maize streak virus DNA to members of the Gramineae", <u>Plant Molecular Biology</u> , 12: 31-40 (1989)
	A61	Citovsky <i>et al.</i> , "Nuclear import of <i>Agrobacterium</i> VirD2 and VirE2 proteins in maize and tobacco", <u>Proc. Natl. Acad. Sci. USA</u> , 91: 3210-3214 (1994)
	A62	Escudero <i>et al.</i> , "T-DNA transfer in meristematic cells of maize provided with intracellular <i>Agrobacterium</i> ", <u>The Plant Journal</u> , 10(2): 355-360 (1996)
	A63	Graves <i>et al.</i> , "The transformation of <i>Zea mays</i> seedling with <i>Agrobacterium tumefaciens</i> ", <u>Plant Molecular Biology</u> , 7: 43-50 (1986)
	A64	Grimsley <i>et al.</i> , "DNA transfer to <i>Agrobacterium</i> to <i>Zea mays</i> or <i>Brassica</i> by agroinfection is dependent on bacterial virulence functions", <u>Mol Gen Genet</u> , 217: 309-316 (1989)
	A65	Hansen <i>et al.</i> , "Constitutive expression of the virulence genes improves the efficiency of plant transformation by <i>Agrobacterium</i> ", <u>Proc. Natl. Acad. Sci. USA</u> , 91: 7603-7607 (1994)
	A66	Hansen <i>et al.</i> , "T-strand integration in maize protoplasts after codelivery of a T-DNA substrate and virulence genes", <u>Proc. Natl. Acad. Sci. USA</u> , 94: 11726-11730 (1997)
	A67	Heath <i>et al.</i> , "Discrete Regions of the Sensor Protein VirA Determine the Strain-Specific Ability of <i>Agrobacterium</i> to Agroinfect Maize", <u>Molecular Plant-Microbe Interactions</u> , 10(2): 221-227 1997)
	A68	Maize Genetic Corporation Newsletter, No. 70, 63 (1996)

EXAMINER

DATE CONSIDERED

6/24/95

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 <i>DEC 13 2004 JC2</i>	U.S. Department of Commerce Patent and Trademark Office	ATTORNEY DOCKET NO. 0448D	SERIAL NO. 08/963,096
INFORMATION & DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>		APPLICANT Zhao <i>et al.</i>	
		FILING DATE November 3, 1997	GROUP 1649

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes	Translation No

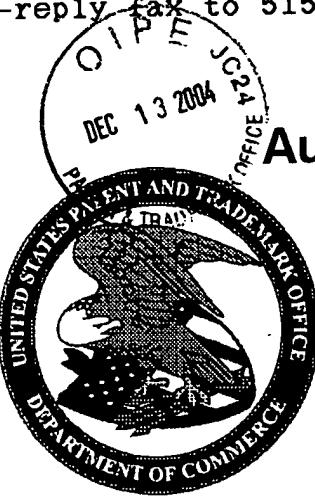
OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

A69	Narasimhulu <i>et al.</i> , "Early Transcription of Agrobacterium T-DNA Genes in Tobacco and Maize, <u>The Plant Cell</u> , 8: 873-886 (1996)
A70	Ritchie <i>et al.</i> , "Agrobacterium <i>tumefaciens</i> -mediated expression of <i>gusA</i> in maize tissues", <u>Transgenic Research</u> , 2: 252-295 (1993)
A71	Schläppi <i>et al.</i> , "Competence of Immature Maize Embryos for Agrobacterium-Mediated Gene Transfer", <u>The Plant Cell</u> , 4: 7-16 (1992)
A72	Shen <i>et al.</i> , "T-DNA transfer to maize cells: Histochemical investigation of β -glucuronidase activity in maize tissues", <u>Proc. Natl. Acad. Sci. USA</u> , 90: 1488-1492 (1993)
A73	Shen <i>et al.</i> , "Excision of <i>Ds1</i> from the genome of maize streak virus in response to different transposase-encoding genes", <u>Plant Molecular Biology</u> , 36: 387-392 (1998)
A74	Songstad <i>et al.</i> , "Establishment of friable embryogenic (type II) callus from immature tassels of <i>zea mays</i> (poaceae)" <u>American Journal of Botany</u> , 79-7: 761-764 (1992)
A75	Yao <i>et al.</i> , "Interaction and Transformation of Cereal Cells with Phenolics-pretreated <i>Agrobacterium <i>tumefaciens</i></i> ", <u>Chinese J. Bot.</u> , 2(2): 81-87 (1990)

EXAMINER

DATE CONSIDERED

EXAMINER Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Auto-Reply Facsimile Transmission

TO: Fax Sender at 515 334 6883
Fax Information
Date Received: 7/8/2004 10:40:30 AM [Eastern Daylight Time]
Total Pages: 8 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
=====>

07/06/04 THU 09:40 FAX 515 334 6883 PIONEER HI-BRED DSM

0001
DOCKETED
JUL 09 2004

PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT

FAX TRANSMISSION

7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 248-4878
Fax: (515) 334-6883

TO: MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
U.S. PATENT AND TRADEMARK OFFICE

FROM: KIM M. HAGEMANN

RE: U.S. PATENT APPLICATION SERIAL NO. 08/963,096
ATTORNEY DOCKET NO. 0448D

DATE: 07/08/04 FAX NUMBER: (703) 872-9306

NUMBER OF PAGES FOLLOWING THIS SHEET: 7

COMMENTS:

TRANSMISSION INCLUDES THE FOLLOWING:

Certificate of Transmission (1 Page)
Transmittal Form (1 Page)
Amendment (5 Pages)

The contents of this facsimile are or may be attorney privileged and/or confidential and are intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. Postal Service. Anyone so cooperating will be reimbursed for the reasonable expense incurred.

If there is a problem with transmission or illegible pages, please contact the sender or (515) 334-6845.

PAGE 1/8 'RCVD AT 7/8/2004 10:40:30 AM [Eastern Daylight Time]' SVR:USPTO-67XRF-IN 'OHS:1723004' CSD:515 334 6883 'DURATION (mm:ss):02:40'

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0269
CONNECTION TEL	917038729306
SUBADDRESS	
CONNECTION ID	
ST. TIME	07/08 09:40
USAGE T	02'12
PGS.	8
RESULT	OK

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

FAX TRANSMISSION

7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 248-4878
Fax: (515) 334-6883

TO: MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
U.S. PATENT AND TRADEMARK OFFICE

FROM: KIM M. HAGEMANN

RE: U.S. PATENT APPLICATION SERIAL NO. 08/963,096
ATTORNEY DOCKET NO. 0448D

DATE: 07/08/04 FAX NUMBER: (703) 872-9306

NUMBER OF PAGES FOLLOWING THIS SHEET: 7

COMMENTS:

TRANSMISSION INCLUDES THE FOLLOWING:

**Certificate of Transmission (1 Page)
Transmittal Form (1 Page)**

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

FAX TRANSMISSION

**7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000**

**Phone: (515) 248-4878
Fax: (515) 334-6883**

TO: MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
U.S. PATENT AND TRADEMARK OFFICE

FROM: KIM M. HAGEMANN

RE: U.S. PATENT APPLICATION SERIAL NO. 08/963,096
ATTORNEY DOCKET NO. 0448D

DATE: 07/08/04 **FAX NUMBER:** (703) 872-9306

NUMBER OF PAGES FOLLOWING THIS SHEET: 7

COMMENTS:

TRANSMISSION INCLUDES THE FOLLOWING:

**Certificate of Transmission (1 Page)
Transmittal Form (1 Page)
Amendment (5 Pages)**

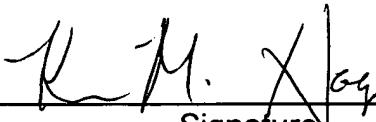
The contents of this facsimile are or may be attorney privileged and/or confidential and are intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. Postal Service. Anyone so cooperating will be reimbursed for the reasonable expense incurred.

If there is a problem with transmission or illegible pages, please contact the sender or (515) 334-6845.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office
on July 8, 2004.

Date



Signature

Kim M. Hagemann

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- 1) Transmittal Form (1 Page)
- 2) Amendment (5 Pages)

DOCKETED

JUL 09 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

U.S. Patent and Trademark Office
DEC 13 2004
JC24
CIPER

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	08/963,096
		Filing Date	11/03/1997
		First Named Inventor	Zuo-Yu Zhao
		Art Unit	1638
		Examiner Name	Fox, David T.
Total Number of Pages in This Submission	6	Attorney Docket Number	0448D

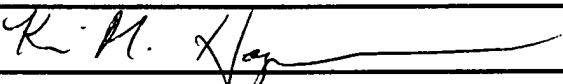
ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

DOCKETED

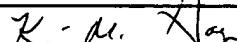
JUL 09 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kim M. Hagemann	
Signature		
Date	July 8, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kim M. Hagemann		
Signature		Date	July 8, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 08/963,096 Confirmation No. 9667

Applicant : Zuo-Yu Zhao

Filed : 11/03/1997

TC/A.U. : 1638

Examiner : Fox, David T.

Docket No. : 0448D

Customer No. : 27310

Title : Methods for Agrobacterium-Mediated Transformation

DOCKETED

JUL 09 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

In response to the Office Action of April 8, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-89. (Cancelled)

90. (Currently Amended) A stably transformed PHN46 or PHJ90 inbred maize plant wherein said PHN46 or PHJ90 inbred maize plant has been transformed by contacting an immature embryo with *Agrobacterium* comprising a nucleic acid of interest, and wherein the inbred maize plant is an inbred line other than A188.

91. (Previously Presented) A transgenic seed produced by the plant of claim 90.

92. (Currently Amended) A transformed PHN46 or PHJ90 maize cell produced by a method comprising the steps of: a) contacting at least one immature embryo from a PHN46 or PHJ90 maize plant with *Agrobacterium* capable of transferring at least one gene to the embryo; b) co-cultivating the embryo with *Agrobacterium*; c) culturing the embryo in a medium comprising N6 salts, an antibiotic at concentrations capable of inhibiting the growth of *Agrobacterium*, and a selective agent to select for embryos expressing the gene.

93-94. (Cancelled)

95. (Currently Amended) A transformed PHN46 or PHJ90 maize cell produced by a method comprising the steps of: a) contacting at least one immature embryo from a PHN46 or PHJ90 maize plant with Agrobacterium capable of transferring at least one gene to the embryo; b) co-cultivating the embryo with Agrobacterium; c) culturing the embryo in a medium comprising salts other than MS salts, an antibiotic at concentrations capable of inhibiting the growth of Agrobacterium, and a selective agent to select for embryos expressing the gene.

96-97. (Cancelled)

REMARKS/ARGUMENTS

The Examiner rejects claims 94 and 97 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and for the inclusion of new matter.

Applicants respectfully disagree with the Examiner's new matter rejection but have cancelled Claims 94 and 97 in order to expedite prosecution.

The Examiner rejects claims 90-93 and 95-96 under 35 U.S.C. 112, first paragraph, "because the specification, while being enabling for claims limited to Agrobacterium-mediated transformed maize inbreds PHJ90, PHN46, and PHP28(38) prepared by the disclosed method, does not reasonably provide enablement for claims broadly drawn to any Agrobacterium-mediated transformed maize inbred which is not A188." The Examiner invited the Applicant to submit a declaration to support the assertion that the three inbreds belong to different heterotic groups, and to explain why an assignment to different heterotic groups is an indication of genetic diversity.

Applicants traverse but have amended Claims 90, 92 and 95; and cancelled Claims 93 and 96 in order to expedite prosecution.

The Examiner rejects claims 90-93 and 95-96 under 35 U.S.C. 102(b) as being anticipated by Goldman et al. (U.S. Patent 5,177,010). The Examiner rejects claims 90-93 and 95-96 under 35 U.S.C. 102(e) as being anticipated by Goldman et al. (U.S. Patent 6,020,539). The Examiner maintains that the particular explant used for inoculation with Agrobacterium, in order to make the claimed Agrobacterium-transformed maize plants (which would inherently contain at least one 25 base-pair T-DNA border sequence), would not confer a patentable distinction to the resultant Agrobacterium-transformed maize plant.

Applicants traverse but have amended Claims 90, 92 and 93 and cancelled Claims 93 and 96 in order to expedite prosecution.

The Examiner rejects claims 92 and 95 under 35 U.S.C. 102(a) as anticipated by Ishida et al. (Nature Biotech. 14:745-750, 1996).

Applicants traverse the rejection but have amended the claims in order to expedite prosecution.

The Examiner rejects claims 92 and 95 under 35 U.S.C. 102(b) as being anticipated by Gould et al.

Applicants traverse the rejection but have amended the claims in order to expedite prosecution.

The Examiner rejects claims 90, 92-93 and 95-96 under 35 U.S.C. 102(b) as being anticipated by and under 35 U.S.C. 103(a) as being unpatentable over each of Schlappi et al., Grimsley et al. (1988), and Ritchie et al.

Applicants traverse the Examiner's rejection but have amended Claims 90, 92 and 95; and cancelled Claims 93 and 96 in order to expedite prosecution.

CONCLUSION

Applicants have amended claims 90, 92 and 95. Applicants have cancelled claims 93, 94, 96 and 97. Claims 90-92, and 95 now remain. In light of the foregoing amendments allowance of all remaining claims is respectfully requested.

Respectfully submitted,



Kim M. Hagemann
Agent for Applicants
Registration No. 52,982

PIONEER HI-BRED INTERNATIONAL, INC.
Corporate Intellectual Property
7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 248-4878
Facsimile: (515) 334-6883

**Notice of Allowability**

Application No.

08/963,096

Examiner

David T. Fox

Applicant(s)

ZHAO ET AL

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to papers filed 08 July 2004.
2. The allowed claim(s) is/are 90-92 and 95, renumbered as 1-4.
3. The drawings filed on 21 January 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

DOCKETED

AUG 19 2004

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/1/99
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Art Unit: 1638

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE SPECIFICATION:

On page 7, line 7, "Fig. 1 provides" was replaced with --Figs. 1A-1C provide--.

On the following pages of the specification, "PHP38" was replaced with ---
PHP28---:

on page 25, line 23; page 42, lines 13 and 22; page 43, Table 9, line 13; and
page 44, Table 10, line 13.

Authorization for this examiner's amendment was given in a telephone interview
with Kim M. Hagemann on 09 August 2004.

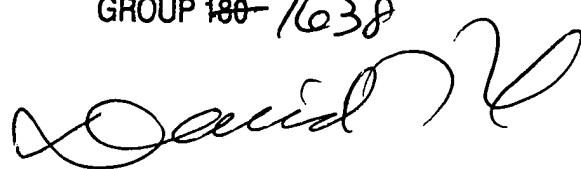
Any inquiry concerning this communication or earlier communications from the
examiner should be directed to David T. Fox whose telephone number is (571) 272-
0795. The examiner can normally be reached on Monday through Friday from 10:30AM
to 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Amy Nelson, can be reached on (571) 272-0804. The fax phone number for
this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (571) 272-
1600.

August 10, 2004

DAVID T. FOX
PRIMARY EXAMINER
GROUP 180-1638



UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,822,144 B1

DATED : November 23, 2004

INVENTOR(S) : Zuo-Yu Zhao, Weining Gu, Tishu Cai and Dorothy A. Pierce

It is certified that error appears in the above-identified patent and that said Letters Patent
are hereby corrected as shown below:

Page 2, Item [56], References Cited, OTHER PULICATIONS, Column 2, Grimsley et al. reference should read
as follows:

– Grimsley et al., “DNA transfer to *Agrobacterium* to *Zea mays* or *Brassica* by agroinfection is dependent on
bacterial virulence functions”, *Mol Gen Genet*, 217:309-316 (1989). –

Column 26, Claim 4, should read as follows:

– A transformed PHN46 or PHJ90 maize cell produced by a method comprising the steps of: a) contacting at least
one immature embryo from a PHN46 or PHJ90 maize plant with *Agrobacterium* capable of transferring at least one
gene to the embryo; b) co-cultivating the embryo with *Agrobacterium*; c) culturing the embryo in a medium
comprising salts other than MS salts, an antibiotic at concentrations capable of inhibiting the growth of
Agrobacterium, and a selective agent to select for embryos expressing the gene. –

MAILING ADDRESS OF SENDER:	Pioneer Hi-Bred International, Inc. 7100 N.W. 62 nd Ave. P.O. Box 1000 Johnston, Iowa 50131-1000	PATENT NO. <u>6,822,144 B1</u>
----------------------------	--	--------------------------------

No. of additional copies

→ Page 1 of 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 20 2004

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,822,144 B1

DATED : November 23, 2004

INVENTOR(S) : Zuo-Yu Zhao, Weining Gu, Tishu Cai and Dorothy A. Pierce

It is certified that error appears in the above-identified patent and that said Letters Patent
are hereby corrected as shown below:

Page 2, Item [56], References Cited, OTHER PULICATIONS, Column 2, Grimsley et al. reference should read
as follows:

– Grimsley et al., "DNA transfer to *Agrobacterium* to *Zea mays* or *Brassica* by agroinfection is dependent on
bacterial virulence functions", *Mol Gen Genet*, 217:309-316 (1989). –

Column 26, Claim 4, should read as follows:

– A transformed PHN46 or PHJ90 maize cell produced by a method comprising the steps of: a) contacting at least
one immature embryo from a PHN46 or PHJ90 maize plant with *Agrobacterium* capable of transferring at least one
gene to the embryo; b) co-cultivating the embryo with *Agrobacterium*; c) culturing the embryo in a medium
comprising salts other than MS salts, an antibiotic at concentrations capable of inhibiting the growth of
Agrobacterium, and a selective agent to select for embryos expressing the gene. –

MAILING ADDRESS OF SENDER: Pioneer Hi-Bred International, Inc.
 7100 N.W. 62nd Ave.
 P.O. Box 1000
 Johnston, Iowa 50131-1000

PATENT NO. 6,822,144 B1

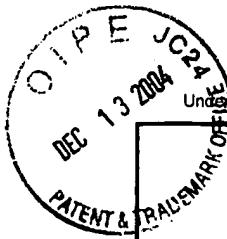
No. of additional copies

→ Page 1 of 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

DEC 20 2004



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/92 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

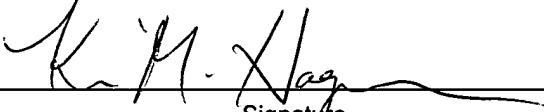
Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on December 9, 2004

Date



Signature

Kim M. Hagemann

Typed or printed name of person signing Certificate

52,982

(515) 248-4878

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

- 1) Request for Certificate of Correction of Patent /2 Pages (1 copy)
- 2) Copy of IDS (1449) Filed 03-26-1998 / 2 Pages (1 copy)
- 3) Copy of Amendment Documents Filed 07-08-2004 / 10 Pages (1 copy)
- 4) Copy of Notice of Allowability /2 Pages (1 copy)
- 5) Certificate of Correction /1 Page (2 copies)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.